

REMARKS

INTRODUCTION:

In accordance with the foregoing, no claim has been added, amended or cancelled herein.

Claims 1, 3-18, 21, 22 and 25 are pending in the present application. Claims 1, 10, 18 and 22 are independent claims. Reconsideration of the claims is requested in view of the following remarks.

REJECTIONS UNDER 35 USC 103:

Claims 1, 8, 9, 18, 20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 11-306570 A (Shimokawa) in view of U.S. Patent Nos. 5,666,843 (Ezawa), and further in view of U.S. Patent No. 6,968,563 (Nagai). Claims 3-7, 21 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over (Shimokawa), (Ezawa) and (Nagai), as applied to claim 1, and further in view of U.S. Patent No. 6,091,553 (Song). Claims 10, 11 and 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0193854 (Lee), in view of U.S. Patent No. 6,163,416 (Uekusa). Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over (Lee) and (Uekusa), as applied to claims 10 and 11, and further in view of U.S. Patent No. 5,446,721 (Sekimoto). All the rejections are respectfully traversed.

Independent claim 1 recites at least the following:

wherein a first damping member is inserted in a center portion of the focusing coils and surrounded thereby.

Shimokawa, Ezawa, and Nagai taken separately or in combination, fail to suggest or disclose at least the above-recited features of independent claim 1.

The Office Action notes that neither Shimokawa nor Ezawa, specifically disclose the above-recited features. However, the Office Action proposes to modify Shimokawa and Ezawa in view of Nagai, and asserts that Nagai discloses the above-recited features at col. 17, lines 27-42 and figure 20 wherein the Office Action asserts that "item 29 is surrounded by item 21b" (Office Action, pg. 4). Applicants respectfully disagree that Nagai discloses the above-recited features.

In short, the small iron piece 29 of Nagai is not a damping member. Regarding item 29, Nagai states:

“The small iron piece 29 and the permanent magnet 26b operate as pressing means for pressing the rail receiving section 49 against the guide rail” [col. 16, lines 6-8].

Applicants assert that operating as a “pressing means” is not at all like operating as a “damping member.” In fact, nowhere in the text cited in the Office Action is the small iron piece 29 expressly referred to as a “damping member.”

Nagai continues:

Further, the lens is supported by the two guide rails, and force is exerted between the small iron piece 29 and the permanent magnet 26b. This provides high supporting rigidity to prevent the lens from being inclined by a shock or vibration [col. 17, lines 22-26].

Applicants further assert that providing “high supporting rigidity” is not the same as damping. One skilled in the art would understand damping to refer to dissipation of vibrational energy. Similarly, a damping member is understood to be a member that dissipates vibrational energy. Preventing a “lens from being inclined by a shock or vibration” by maintaining the lens in a rigid position is not the same as dissipating vibrational energy from a lens that is, in fact, vibrating.

Accordingly, Applicants respectfully submit that independent claim 1 patentably distinguishes over the cited reference, and should be allowable for at least the above-mentioned reasons. Since similar features recited by each of the independent claims 18 and 22, with potentially differing scope and breadth, are not taught or disclosed by the references, the rejection should be withdrawn and claims 18 and 22 also allowed.

Further, Applicants respectfully submit that claims 3-9, 19-21 and 25, which variously depend from independent claims 1, 18, and 22, should be allowable for at least the same reasons as claims 1, 18, and 22, as well as for the additional features recited therein.

Independent claim 10 recites at least the following:

a moving unit in which an objective lens is disposed at a side thereof and having a receiving hole at a center thereof;

a damping member inserted in shoulder portions of both sides of the receiving hole near the objective lens so that a size of a second resonant peak is reduced;

Lee and Uekusa taken separately or in combination, fail to suggest or disclose at least the above-recited features of independent claim 10.

The Office Action notes that Lee fails to specifically disclose the above-recited damping member. However, the Office Action proposes to modify Lee in view of Uekusa, and asserts that Uekusa discloses the above-recited features at col. 9, lines 45-55, col. 1, lines 53-61 and figure 6, item 5. Applicants respectfully disagree that Uekusa discloses all of the above-recited features.

The Office Action asserts the above-claimed receiving hole is illustrated in figure 15 of Uekusa. Applicants respectfully disagree because figure 15 fails to illustrate a receiving hole disposed at the center of an objective lens. In reviewing figure 15, it is clear that the area asserted to be a receiving hole in the Office Action (where items 12, 13 and 21 are situated) is displaced a significant distance from lens 11 and is therefore clearly not disposed at the center of lens 11. Since Uekusa fails to disclose the above-recited receiving hole, it therefore cannot disclose the above-recited damping member.

Further, the Office Action fails to specifically set forth where the above-recited "shoulder portions" of the receiving hole are illustrated in Uekusa. If the above rejection is to be maintained, Applicants respectfully request the Examiner provide a specific paragraph number and figure reference, or specifically indicate if an assertion of inherency is being relied upon.

In addition, Uekusa does not describe "a damping member inserted...so that a size of a second resonant peak is reduced". The Office Action cites col. 1, lines 53-61 as describing this feature because the text describes the damping of vibrations. However, damping of vibrations is not the same as the above-recited feature.

Accordingly, Applicants respectfully submit that independent claim 10 patentably distinguishes over the cited reference, and should be allowable for at least the above-mentioned reasons.

Further, Applicants respectfully submit that claims 11-17, which depend from independent claim 10, should be allowable for at least the same reasons as claim 10, as well as for the additional features recited therein.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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By: _____

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